

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD  
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007  
PHONE (602) 364-1PET (1738) FAX (602) 364-1039  
VETBOARD.AZ.GOV

**COMPLAINT INVESTIGATION FORM**

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

**FOR OFFICE USE ONLY**

Date Received: July 6, 2018 Case Number: 19-01

**A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:**

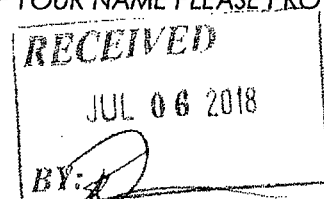
Name of Veterinarian/CVT: VCA Apache Junction Animal Hosp.  
Premise Name: DeCozio DVM, Eva  
Premise Address: 17 N. Mountain Rd.  
City: AJ State: AZ Zip Code: 85120  
Telephone: 480-984. 2114

**B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:**

Name: Ray Benkler Doreen Donohue  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

Ray  
Doreen

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.



**C. PATIENT INFORMATION (1):**

Name: Georgi  
Breed/Species: TERRIER Mix  
Age: 12 Sex: F Color: Tan

**PATIENT INFORMATION (2):**

Name: \_\_\_\_\_  
Breed/Species: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

Please provide the name, address and phone number for each veterinarian.

VCA 17 N. Mountain Rd AZ AZ 480984-2114  
Companion Pet Clinic 5331 S. Superstition Mt Dr.  
480. 676.1403 #102

1st pet 5404 E. Southern Ave. Mesa AZ  
480. 924. 1123

**E. WITNESS INFORMATION:**

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

- 1.) Companion Pet Clinic 5331 S. Superstition Mt. Dr  
480. 676.1403 (DVM Marykate Burdick) #102
- 2.) 1st pet 5404 E. Southern Ave Mesa AZ  
480. 924. 1123 (Courtney Deer DVM)

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: 

Date: 6.27.2018

**F. ALLEGATIONS and/or CONCERNS:**

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

APACHE JUNCTION & GOLD CANYON NEWS  
PAPER ENCLOSED. July 2 - July 9 2018

ALSO WILL BRING FILED REPORT FROM  
M.C.S.O DEPT. MC 18141712

**Dog owners beware**

On June 19 my wife brought our small dog into the VCA animal hospital, 17 North Mountain Rd, in Apache Junction. Our dog was dehydrated, losing weight and not eating with a case of valley fever. Dog needed immediate medical help. VCA wanted to do blood work with results taking 2 or 3 days. A week later, after our dog dies I get my first phone call from VCA vet. After all was said, VCA only cared about how much money do you have? What is your budget? How about a \$ 67.00 insurance policy monthly cost? Dog is sick needs medical help, wife said let her get help now. VCA released dog to owner with no care. One week later, and too late, dog passed away. We made phone calls for 3 days in

*Your Hometown Paper*

from Letters page A-6

a row no returned calls from anyone. VCA said doctor was on vacation another doctor will call, dont worry. Had to make emergency visit to Pet Companion clinic in Gold Canyon on Saturday, June 23. Pet Companion said the dog was very sick. They gave her shots and meds. That same day late evening June 23 we called first pets emergency clinic in Mesa. Around 11pm we arrived with her in our arms and she had passed away. VCA animal hospital only cares about how much money you have and up selling worthless insurance. However allows your dog and her owners to suffer. And doing nothing. Bottom line if you want your dog to live AVOID at all cost VCA animal hospital. Besides being insulted by asking how much money do you have. VCA animal hospital will provide negligence at a deadly cost. Again all dog owners beware!

Ray and Doreen Benkler, Apache Junction.



MARICOPA COUNTY SHERIFF'S OFFICE  
PAUL PENZONE  
SHERIFF

P. ASIEDO #2079

PRESENTED BY

DISTRICT I  
1840 SOUTH LEWIS  
MESA, ARIZONA 85210

PHONE: 602-876-1853

**VCA Apache Junction Animal Hospital**

17 North Mountain Road  
Apache Junction, AZ 85120  
**Tel.:** (480) 984-2114  
**Fax:** (480) 984-0696



Re: 19-01 Eva-Maria DeCozio

On June 19th, 2018 I examined Georgie Donohue, a 12 year old spayed female terrier mix. Ms. Donohue was the only person present with Georgie.

Since this was the first time meeting Georgie, I reviewed her 2 previous visits at our hospital. Georgie had been seen a year earlier, for coughing and was subsequently diagnosed with Valley Fever by Dr. Leeza Jones. Georgie was prescribed a year's supply of fluconazole.

Upon taking Georgie's history with Ms. Donohue, I noted that Georgie had had a Valley Fever titer of 1:8 a year prior. I noticed that there were no follow up titers, although it is our protocol to check titers on VF positive dogs every three months. Ms. Donohue stated that Georgie had been doing "fine" and that she had discontinued giving the fluconazole 3 months ago (March 2018). I continued to take the history, which was weight loss, soft stools and polyuria/polydipsia for a week's duration, despite normal appetite. The technician noted in the client interview that she was coughing, but when I asked Ms. Donohue directly, she said she was not coughing.

I examined Georgie and found that she had decreased lung sounds dorsally over both R and L lungfields, with an increased respiratory effort and abdominal press. Georgie's heart was normal, mucous membranes were pink and she had a normal body temperature. She did not appear dehydrated during the examination. No significant weight loss was noted.

I discussed other causes for the PUPD, such as endocrine or metabolic problems (diabetes, Cushing's, renal disease, etc). I recommended a Coccidioidomycosis test to be sent to Protatek as well as a senior blood panel ( CBC/Chem/T4/UA and HWT) plus radiographs to address the breathing/abdominal press, and possibly detect a mass/neoplasia that we can not detect with bloodwork. I explained that, besides the fact that I thought Georgie's Valley Fever may have relapsed, there could be other, underlying issues that we needed to address. Ms. Donohue declined all diagnostics except the Valley Fever test. She was advised that this test takes a minimum of 3 days to be completed, and was instructed to start back on fluconazole immediately, which Ms. Donohue stated she still had at home. I let Ms Donohue know we would call with the Valley Fever results as soon as they were in.

Three days after the visit, June 22nd, at 3:18 pm, Ms. Donohue called and left me a message that Georgie was not eating very much and wanted to know if there was anything she could do to "fix this". I received the message and sent the call back technician a message to explain that, with Valley Fever, they can be inappetent and that it may take a while for the fluconazole to start working again. I also reminded the technician to remind Ms Donohue that we had not done any other bloodwork and that there could obviously be something else going on in addition to the Valley Fever. We frequently prescribe NSAIDs for our patients with Valley Fever, so I added we could try some Metacam to see if this might make Georgie feel better.

On June 23 at 8:10 am, Mr. Benkler called and asked to be called back about the Metacam and an appetite enhancer. This was a Saturday I was not working, so I did not see this message until Monday, the 25th.

**VCA Apache Junction Animal Hospital**

17 North Mountain Road  
Apache Junction, AZ 85120

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We received the Coccidioidomycosis test result on Monday, June 25th, and the titer was positive at 1:2. On Monday, June 25th I also received a message that Georgie had passed away on Saturday, the 24th, and that Mr. Benkler would be pressing charges against VCA for medical negligence and animal abuse. Mr. Benkler requested a call back from management and I called shortly after receiving the message. Unfortunately, Mr. Benkler did not answer and I had to leave a message - with my condolences and that I had suspected an underlying metabolic problem in addition to the Valley Fever, and reminded owner that I had suggested blood work and radiographs at the time of the visit. I asked Mr. Benkler to call me back to discuss or if he had any questions.

Our Hospital Manager, Lynne Danielson, called First Pet to inquire about Georgie's treatment there, and was informed that Georgie had arrived DOA. We do not know if a necropsy was performed or offered.

On June 26th, we received a phone call from an attorney named Neil, ( per caller ID he was calling from Mr. Benkler's phone), who requested a call back from corporate. The return number he wished to be called back at Mr Benkler's telephone number. Neil would not give a last name, or which law firm he was with. Neil called our hospital repeatedly, and during the last phone call he gave our Regional Operations Director Cris Chilleli until the next day, June 27th to call him before he would "push the button".

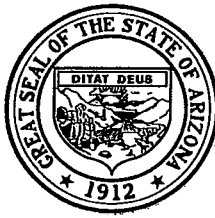
On July 2nd, it was brought to our attention that Mr. Benkler sent a letter to the editor of the Apache Junction and Gold Canyon Newspaper regarding Georgie's visit and alleging negligence. This case is now being handled by our legal department, since Mr Benkler has threatened us with legal actions (June 25th during a phone conversation, see communication log).

Please find attached Georgie's complete medical record, Valley Fever test results as well as client communication records.

Feel free to contact me for any additional questions or information.

A handwritten signature in black ink, appearing to read 'Eva DeCozio', with a long, sweeping underline.

Eva DeCozio, DVM  
CVA, DipGrad CVHM  
Medical Director  
VCA Apache Junction Animal Hospital



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VETBOARD.AZ.GOV

**INVESTIGATIVE COMMITTEE REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** PM Investigative Committee: Donald Noah, D.V.M. - Chair  
Amrit Rai, D.V.M.  
Adam Almaraz  
Christine Butkiewicz, D.V.M.  
William Hamilton

**STAFF PRESENT:** Tracy A. Riendeau, CVT, Investigations  
Michael Raine, Assistant Attorney General

**RE:** Case: 19-01

Complainant(s): Ray Benkler/Doreen Donohue

Respondent(s): Eva-Marie Decozio, DVM (License: 3704)

**SUMMARY:**

Complaint Received at Board Office: 7/6/18

Committee Discussion: 10/2/18

Board IIR: 11/21/18

**APPLICABLE STATUTES AND RULES:**

Laws as Amended April 2018

(Green); Rules as Revised September  
2013 (Yellow)

On June 19, 2018, "Georgi," a 12-year-old female Terrier mix was presented to Respondent due to weight loss, increased thirst and urination; the dog had a history of Valley Fever. Blood work and radiographs were recommended but declined except for a Valley Fever test.

On June 23, 2018, the dog was presented to Companion Pet Clinic due to anorexia and lethargy. Hospitalization for diagnostics and treatment was recommended but declined. Complainant elected to take the dog home with prescribed medications.

The dog died the following day.

**Complainants were noticed and appeared.**

**Respondent was noticed and appeared telephonically.**

**The Committee reviewed medical records, testimony, and other documentation as described below:**

- Complainant(s) narrative: Ray Benkler/Doreen Donohue
- Respondent(s) narrative/medical record: Eva-Marie DeCozio, DVM
- Consulting Veterinarian narrative/medical record: Mary K. Burdick, DVM – Companion Pet Clinic
- Witness(es) narrative: VCA Apache Junction Animal Hospital Staff

**PROPOSED 'FINDINGS of FACT':**

1. On June 19, 2018, the dog was presented to Respondent due to weight loss, increased thirst and urination. Ms. Donohue told technical staff that the dog had been coughing and had stopped the Valley Fever medication three months prior as the dog was fine. Upon exam, the dog had a weight = 21 pounds, a temperature = 101.4 degrees, a heart rate = 120bpm and a respiration rate = 20bpm. Respondent noted the dog had decreased lung sounds and increased respiratory effort. Her differential diagnosis was recurrent Valley Fever or other metabolic issues. Respondent recommended blood work, Valley Fever titer and radiographs. Ms. Donohue declined all except the Valley Fever test. Blood was collected; Ms. Donohue was instructed to restart the fluconazole and would be contacted with the Valley Fever results – which would be a minimum of 3 days.

2. On June 22, 2018, Ms. Donohue called to report that the dog was not eating and asked what could be done. Respondent had staff return her call to explain that with Valley Fever, the pet could be inappetent and it may take a while for the fluconazole to start working. Metacam could be added to see if it made the dog feel better. However, since other blood work was not performed it is not known if something else could be going on besides the Valley Fever.

3. On June 23, 2018, Mr. Benkler called to ask about the Metacam and an appetite stimulant to help with the dog's appetite. Respondent did not get this message until Monday, the 25<sup>th</sup>, as she was not working that day.

4. Later that day, the dog was presented to Companion Pet Clinic due to anorexia and lethargy. Complainants reported that the dog had a history of Valley Fever, had started the dog back on fluconazole and were waiting for the results of the Valley Fever titer. Dr. Burdick examined the dog and noted she was potbellied, had crusty purulent nasal exudate, was dehydrated and was dyspneic. Her assessment was anorexia, lethargy, Valley Fever, pneumonia, and dyspnea. The dog was given a poor prognosis and hospitalization for diagnostics and treatment was recommended. Complainants declined.

5. The dog was administered an enrofloxacin injection, vitamin B injection and a Rimadyl injection, and discharged with Clavamox, mirtazapine, ciprofloxacin, entice, BNP ophthalmic ointment and recovery diet.

6. The following day the dog passed away.

7. On June 25, 2018, the Valley Fever results were received; positive at 1:2. Respondent had also received a message that the dog had passed away. Respondent attempted to contact the pet owners – she was able to leave a message with her condolences and that she had suspected the dog had an underlying metabolic problem in addition to the Valley Fever.

**COMMITTEE DISCUSSION:**

The Committee discussed that it appears there was a communication issue in this matter. There were some financial constraints on Complainants part and therefore they wanted to start with conservative treatment initially. . Appropriate treatments were recommended and declined by

Complainants. The dog's condition rapidly declined and Complainants reached out to Respondent.

It is unfortunate that there was not adequate communication with the pet owner over the weekend when Respondent was unavailable. The premise terminated the staff member that caused the issue. Complainants appropriately sought out care when the dog was not improving and declined similar recommendations that were made.

**COMMITTEE'S PROPOSED CONCLUSIONS of LAW:**

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

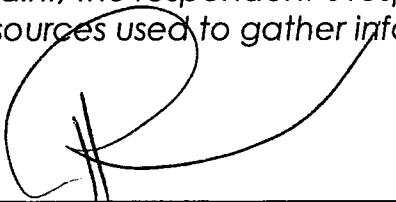
**COMMITTEE'S RECOMMENDED DISPOSITION:**

**Motion:** It was moved and seconded the Board:

*Dismiss this issue with no violation.*

**Vote:** The motion was approved with a vote of 5 to 0.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*



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Tracy A. Riendeau, CVT  
Investigative Division